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14
15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF WASHINGTON**

17 CITY OF SPOKANE, a municipal
corporation, located in the County of
Spokane, State of Washington,

18 Plaintiff,

19 v.

20 MONSANTO COMPANY, SOLUTIA
21 INC., and PHARMACIA
CORPORATION, and DOES 1 - 100,

22 Defendants.

CASE NO. 15-cv-00201-SMJ

**DECLARATION OF DAVID S.
HAASE IN SUPPORT OF
DEFENDANTS' REPLY BRIEFS IN
SUPPORT OF THEIR *DAUBERT*
MOTIONS TO EXCLUDE
PLAINTIFF'S EXPERT
TESTIMONIES**

Hearing Date: March 12, 2020
Time: 8:30 a.m.
Location: Richland, WA

With Oral Argument

1 David S. Haase declares and states under penalty of perjury:

2 1. I am over the age of 18 and competent to be a witness herein. I am an
3 attorney for Defendants Pharmacia LLC, Monsanto Company, and Solutia Inc.
4 (collectively, “Defendants” or “Monsanto”) in this matter. Except where indicated
5 otherwise, I make this declaration based on my own personal knowledge and the
6 books and records of my firm Shook, Hardy & Bacon L.L.P.

7 2. Attached as **Exhibit 1** is a true and correct copy of excerpts of the
8 deposition transcript of deposition testimony of Kevin M. Coghlan taken October
9 30, 2019 in this matter in Newton, Massachusetts, and includes the following pages
10 from the transcript: 55-57, 60-61, 107-08, 193, 199, 204-05, 266, 272-74. Court
11 reporter’s certification page is also included. (“Add’l Coghlan Dep.”).

12 3. Attached as **Exhibit 2** is a true and correct copy of excerpts of the
13 deposition transcript of deposition testimony of Jack Matson, taken on September
14 9, 2016 in the matter captioned *Town of Westport, et al., v. Monsanto Company, et*
15 *al.*, Case No. 1:14-cv-12041 (DJC) in the US District Court for the District of
16 Massachusetts in State College, Pennsylvania, and includes the following pages
17 from the transcript: 310-11. Certification page is also included (“Matson Westport
18 Dep.”).

19 2. Attached as **Exhibit 3** is a true and correct copy of the Affidavit of
20 Jack V. Matson, PH.D., PE, dated December 21, 2016 and filed in the matter
21 captioned *Town of Westport v. Monsanto Co. et al.*, Case No. 1:14-cv-12041 (DJC)
22 in the US District Court for the District of Massachusetts, ECF No. 185-2,
23 December 22, 2016 (“Matson Westport Aff.”).

24

3. Attached as **Exhibit 4** is a true and correct copy of excerpts of the deposition transcript of deposition testimony of Jack Matson taken July 12, 2019 in the matter captioned *San Diego Unified Port District, et al. v. Monsanto Company, et al.*, Case No. 3:15-cv-00578-WQH-AGS in the US District Court for the Southern District of California in State College, Pennsylvania, and includes the following pages from the transcript: 97, 99, 103, 107, 113, 120, 123-24, 130-34, and court reporter's certification ("Add'l Matson Dep.").

4. Attached as **Exhibit 5** is a true and correct copy of a memo titled “The PCB-Pollution Problem, January 21 and 22, 1970, St. Louis Meeting with General Electric Co.”, bates label PCB-ARCH0064836 to PCB-ARCH0064854.

5. Attached as **Exhibit 6** is a true and correct copy of excerpts of the deposition transcript of deposition testimony of J. Keith Nelson, taken on June 28, 2019 in the matter captioned *San Diego Unified Port District, et al. v. Monsanto Company, et al.*, Case No. 3:15-cv-00578-WQH-AGS in the US District Court for the Southern District of California in Schenectady, New York, and includes the following pages from the transcript: 35-36, 64, 67, 71-72, 89, 91, 116, 123, 125-27, 160, 179, 189-90, 207, 215, 217-19, 221-25, 230-31. J. Keith Nelson's certification is also included. ("Add'l Nelson Dep.").

6. Attached as **Exhibit 7** is a true and correct copy of a publication by the USEPA's Office of Toxic Substances, titled "Industry Views on the Use of Polychlorinated Biphenyls in Transformers and Capacitors", dated June 1976, EPA 560/4-76-003.

7. Attached as **Exhibit 8** is a true and correct copy of excerpts of the deposition transcript of deposition testimony of James Olson, taken on August 22, 2017, in the matter captioned *City of Hartford and Hartford Board of Education v. Monsanto Company, et al.*, Case No. 3:15-cv-01544 (RNC) in the U.S. District Court for the District at Connecticut, at Hyatt Regency Buffalo Hotel and Conference Center, 2 Fountain Plaza, Buffalo, New York, and includes the following pages from the transcript: 43. Court reporter certification and Olson's errata sheet are also included. ("Add'l Olson Hartford Dep.")

8. Attached as **Exhibit 9** is a true and correct copy of a excerpts of the deposition transcript of deposition testimony of James Olson, taken on August 24, 2016, in the matter captioned *Town of Westport and Westport Community Schools, v. Monsanto Company, et al.*, Case No. 1:14-cv-12041 (DJC) in the U.S. District Court for the District of Massachusetts, at Salvatore’s Garden Place Hotel, 6615 Transit Road, Williamsville, New York, and includes the following pages from the transcript: 24, 30, 47-50. Olson’s certification page and errata sheet are also included (“Add’l Olson Westport Dep.”)

9. Attached as **Exhibit 10** is a true and correct copy of excerpts of the deposition transcript of deposition testimony of Lisa Rodenburg, taken in this matter on December 18, 2019 in Philadelphia, Pennsylvania, and includes the following pages from the transcript: 75-76, 93-94, 277-80. Rodenburg's certification page and errata sheet are included.

10. Attached as **Exhibit 11** is a true and correct copy of an article by Lisa A. Rodenburg, Michael R. Hermanson, and Amy L. Sumner, titled “Sources of

1 polychlorinated biphenyl blank contamination and their impact on fingerprinting”,
2 published in Environmental Forensics 2020, Vol. 21, No. 1, p. 99-112.
3 (“Rodenburg, *et al.* (2020)”).

4 11. Attached as **Exhibit 12** is a true and correct copy of excerpts from a
5 Sample Receipt Form / Chemical Analysis Form for the City of Spokane from
6 Pacific Rim Laboratories Inc., dated September 18, 2014, which includes pages 1-
7 5, 145.

8 12. Attached as **Exhibit 13** is a true and correct copy of excerpts of the
9 deposition transcript of deposition testimony of Daniel Schlenk taken November
10 13, 2019 in this matter in San Diego, California, and includes the following pages
11 from the transcript: 37-39, 60-61, 68-69, 105-06, 152-54, 157, and Schlenk
12 certification (“Add’l Schlenk Dep.”).

13 13. Attached as **Exhibit 14** is a true and correct copy of excerpts of the
14 deposition transcript of deposition testimony of Richard DeGrandchamp taken
15 March 21, 2019 in in the matter captioned *City of Hartford and Hartford Board of*
16 *Education v. Monsanto Company, et al.*, Case No. 3:15-cv-01544 (RNC) in the
17 U.S. District Court for the District at Connecticut, in Denver, Colorado, and
18 includes the following pages from the transcript: 80 (“Add’l DeGrandchamp
19 Hartford Dep.”).

20 14. Attached as **Exhibit 15** is a true and correct copy of excerpts of the
21 deposition transcript of deposition testimony of David Carpenter taken December
22 12, 2019 in this matter in New York, New York, and includes the following pages
23 from the transcript: 103 (“Carpenter Dep.”).

CERTIFICATE OF SERVICE

I certify that on February 21, 2020, I caused the foregoing to be electronically filed with the clerk of the Court using the CM/ECF System which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

s/ David S. Haase

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